

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE****Applicant(s):** James H. Aylward**Examiner:** C. Tate**Serial No:** 09/888,178**Art Unit:** 1654**Filed:** June 21, 2001**Docket:** 14923Z**For:** ANTI-CANCER COMPOUNDS**Dated:** March 23, 2004**Confirmation No.:** 8854

Commissioner for Patents  
Alexandria, VA 22313-1450

**TERMINAL DISCLAIMER**

Sir:

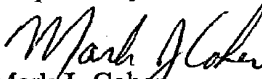
Peplin Research Pty, Ltd. having a principal place of business in Fortitude Valley, Australia, Q4066 and owner of the entire rights, title and interest in the above-identified application, as evidenced by the Assignment recorded at Reel 012415, Frame 0030 from the inventors to Peplin Pty, Ltd. and by the Change in Name to Peplin Research Pty, Ltd., recorded at Reel 012412, Frame 0209 hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application, which would extend beyond the expiration date of the full statutory term defined in 35 U.S.C. §154 to 156 and 173, as presently shortened by any terminal disclaimer, of commonly assigned U.S. Patent No. 6,432,452 and hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that legal title to the patent shall be the same as legal title to U.S. Patent No. 6,432,452, this agreement is to run with any patent granted on the instant application and is to be binding upon the grantee, its successors and/or assigns.

In making the above disclaimer, Peplin Research Pty, Ltd. does not disclaim the terminal part of any patent granted on the instant application that would extend to the expiration

date of the full statutory term as defined in 35 U.S.C. §154 to 156 and 173 of U.S. Patent No. 6,432,452, as presently shortened by any terminal disclaimer, in the event that it later expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 C.F. R. §1.321, has all claims cancelled by a reexamination certificate, is reissued, or is any manner terminated prior to the expiration of its full statutory term as present shortened by any terminal disclaimer.

The Commissioner is hereby authorized to charge the fee in the amount of \$110.00 associated with this communication or credit any overpayment to Deposit Account No. 19-1013/SSMP. A duplicate of this submission is enclosed.

Respectfully submitted,

  
Mark J. Cohen  
Registration No. 32,211

Scully, Scott, Murphy & Presser  
400 Garden City Plaza  
Garden City, NY 11530  
(516) 742-4343  
MJC:lf